

**AN ORDINANCE  
BY PUBLIC SAFETY COMMITTEE**

08-0-

**AN ORDINANCE TO AMEND ARTICLE XXIII OF CHAPTER 30  
OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA  
WHICH CONTAINS THE CODE SECTION APPLICABLE TO  
VENDING ON PUBLIC PROPERTY BY REPLACING SAID  
ARTICLE WITH NEW TEXT FOR THE PURPOSE OF  
AUTHORIZING AND IMPLEMENTING A PUBLIC VENDING  
MANAGEMENT PROGRAM; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Charter provides that the City of Atlanta may regulate or restrict the manufacture, sale, lease, rental, use, or solicitation of personal property by licenses, bonds, permits, or other regulatory methods and may allow or decline to allow the use of public spaces and right of way to offer such items to the public; and

**WHEREAS**, pursuant to those powers, the governing authority may amend the City Code to regulate vending on public property and the advertising of commercial products and services associated with the vending structures to achieve certain public policy objectives: and

**WHEREAS**, it is the vision of the City of Atlanta to create a financially self-sustaining vending program that promotes economic opportunities, increases the variety and quality of goods and services available for sale, creates an aesthetically attractive retail environment and contributes to the vitality, safety and quality of public spaces, the City wishes to develop a public vending program to enhance the overall appearance and environment along public streets, pedestrian ways and other public properties in a manner that will enhance the city's international image; and

**WHEREAS**, an evaluation of the current vending program and associated laws was conducted by the City Council through y the Vending Technical Advisory Group (VTAG) and that group recommended that the City secure a third party vending management company to operate and manage public vending in the City; and

**WHEREAS**, a public vending program coordinated under a contract with a company that is experienced in the management of shopping malls and downtown urban marketplaces will allow the City to better achieve its policy objectives; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA  
HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** That Article XXIII of Chapter 30 of the Code of Ordinances of the City of Atlanta be and is hereby amended by repealing the text of Division 1 and the text of Division 2 of said article as set forth in Exhibit "A."

**Section 2:** That Article XXIII of Chapter 30 of the Code of Ordinances of the City of Atlanta shall be further amended by adopting a new Division 1 and a new Division 2 which shall read as set forth in Exhibit "B."

**Section 3:** That the portion of Appendix B following Part II of the Code of Ordinances of the City of Atlanta entitled "Fees" be amended such that the fee schedule reflected in this ordinance is included therein in place of the fee schedule for "Vending on Public Property."

**Section 4:** All other parts of Appendix “B” shall remain unaffected by this ordinance.

**Section 5:** This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.

## **ARTICLE XXIII. VENDING ON PUBLIC PROPERTY\***

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\*Cross references: Vending machines on city property and in city facilities, § 2-3; identification of coin-operated vending machines or amusement devices, § 30-1; streets, sidewalks and other public places, ch. 138; newspaper vending devices on sidewalks, § 138-156 et seq.

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### **DIVISION 1. GENERALLY**

#### **Sec. 30-1401. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Assistant vendor means a person who assists a vendor at the vendor's assigned vending site. Blind person means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).

Class C food vending station means a fully enclosed, self-contained, non-motor vehicle that is approved by the Fulton County health department for the purpose of vending on city streets or from a public assigned location.

Disabled individual means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment or being regarded as having such an impairment as determined by the Americans with Disabilities Act of 1990.

Disabled veteran means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans service.

(1) A war veteran must furnish satisfactory proof that the veteran has a physical handicap which is disabling to the extent of ten percent or more; that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable; and that the veteran's service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled, "An Act to Maintain the Credit of the United States," and commonly known as PL 2, 73rd Congress; or that some part of the veteran's service was rendered on or after December 7, 1941 and before December 31, 1946; or that some part of the veteran's service was rendered on or after June 27, 1950 and before January 31, 1955; or that some part of the veteran's service was rendered on or after August 5, 1946, and before May 8, 1975. Proof of such ten-percent disability shall be established upon the written certificate of two physicians as to such disability or by letter or other written evidence from the United States Department of Veterans Affairs stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served.

(2) A veteran of peacetime service in the United States armed forces must furnish proof that the veteran has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs stating the degree of disability or by written evidence, from the branch of armed forces of the United States in which such veteran served, that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable.

(3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually.

If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.

Ethnic clothing means any designated wearing apparel, garment or attire that is particular to any nationality that is distinguished by customs, heritage or language.

Household means a principal place of abode comprised of a group of persons constituting a distinct domestic or social body living in the same residence. A household can include parents, children, stepchildren, domestics, lodgers and boarders.

Immediate family shall include the spouse, domestic partner registered under section 94-133, mother, father, sister, brother, and natural or adopted children.

Moral turpitude means the act or behavior:

(1) Of baseness, vileness or the depravity in private and social duties which humans owe to fellow humans or to society in general, contrary to accepted and customary rule of right and duty between humans and humans.

(2) That gravely violates moral sentiment or accepted moral standards of community and is a morally culpable quality held to be present in some criminal offenses as distinguished from others.

Motor vehicle vending means the use of any motorized vehicle, approved for use by the department of police, and used by a lawfully permitted vendor for the purpose of vending from place to place and on city streets. No such vehicle shall be authorized to vend from any fixed location. The vehicles include rolling stores, catering trucks, ice cream trucks and motorized carts.

Motorized vehicle means any vehicle, trailer or bicycle propelled by a motor capable of moving a vending station from place to place which is used for vending food, merchandise or services for sale.

Park vending means vending activity as approved and lawfully permitted in city parks by the department of parks and recreation and lawfully permitted in the city parks.

Permissible food item means any food product or substance, including beverages, that legally may be dispensed for the public's consumption pursuant to the rules and regulations of the county health department.

Produce means any agricultural product raised on a farm or orchard.

Public festival means a public function or activity which does not exceed two weeks in duration and which has been issued a festival permit in accordance with chapter 138, article VI of this Code.

Public space means all city-owned parks and city-owned property within street rights-of-way, including any roadways and sidewalks.

Public vending means vending activity as permitted on publicly owned property, i.e., city or some other public entity.

Pushcart/vending cart means any wheeled vehicle approved by the department of police and the department of planning, development and neighborhood conservation in accordance with this article designed for carrying property and for being pushed by a person. The term "pushcart" shall be synonymous with the term "vending cart".

Registered agent means any person who is authorized by a vendor or itinerant vendor and who agrees to accept service of process and legal notices on behalf of a vendor or itinerant vendor.

Special events means those which have regional, national or international significance and which attract a magnitude of people to the city up to a two-week period, e.g., the World Series, the Super Bowl, the Olympics, among others.

Station means any fixed or movable structure, table or device used by a vendor for the purpose of displaying or storing any merchandise, article or food which is offered for sale.

Street furniture zone means a geographical area located on the sidewalk portion of a street right-of-way whose width lies between the street curb extending four feet onto the sidewalk, as measured from the curb, and whose length extends from intersecting street to intersecting street.

Street music means a music performance for which the musician or musical group requires payment by the audience or business owner as a precondition for performing. The act of accepting donations from listeners while performing music in public is excluded from regulation under this Code section.

Street vending means vending activity permitted within public street rights-of-way.

Temporary vendor means any public space vendor vending in one of the city's 16 public space locations, other than a disabled veteran.

Valid vendor location means an area which is authorized in this article in which vending can take place.

Valid vendor permit means a vendor permit issued by the department of police. The permit shall consist of a police photo identification card which contains the vendor's name, photograph, vending type and classification, authorized location and period of time for which the permit is valid.

Vending business means any commercial enterprise operated for profit in which merchandise, food, services or a combination thereof are rendered for sale to the general public in public space and approved by the city.

Vendor means any person whose primary business is the selling or bartering or carrying for sale or barter or exposing therefor any goods, wares, merchandise, services, food, confectionery or drink carried by hand, from portable stands or tables, pushcarts or vending carts, by manually propelled vehicles or by motor or animal-driven vehicles.

(Code 1977, § 14-5151; Ord. No. 1999-47, §§ 1, 2, 5-26-99; Ord. No. 2000-47, § 1, 8-16-00; Ord. No. 2001-11, § 1, 2-13-01; Ord. No. 2006-51, § 1, 7-25-06)

Cross references: Definitions generally, § 1-2.

### **Sec. 30-1402. Intent.**

It is the intent of the council in enacting this article to:

- (1) Serve and protect the health, safety and welfare of the general public;
- (2) Establish a uniform set of rules and regulations which are fair and equitable;
- (3) Develop a vending system which will enhance the overall appearance and environment along public streets, pedestrian ways and other public properties;
- (4) Provide economic development opportunities for small entrepreneurs in the city;
- (5) Provide a variety of goods and services for sale and a diverse street life that will enhance the city's international image;
- (6) Promote stable vendors who will enrich the city's ambiance and who will be assets to public security;
- (7) Provide a vending review board as a liaison between the city and the vending industry.

(Code 1977, § 14-5150(c))

### **Sec. 30-1403. Vending review board.**

(a) The vending review board shall be composed of 15 members nominated by the mayor and confirmed by the city council. The members of the board shall annually select a chair and a vice-chair from the membership of the board. The mayor shall nominate the following:

- (1) Two vendors with experience in food vending.
- (2) Two vendors with experience in merchandise vending.
- (3) One representative of the Atlanta Convention and Visitors Bureau, Inc.
- (4) One representative of Central Atlanta Progress, Inc.

- (5) One representative of a business association serving a commercial district north of the I-20 interstate highway.
  - (6) One representative of a business association serving a commercial district south of the I-20 interstate highway.
  - (7) One representative of the planning advisory board.
  - (8) Three citizens at large.
  - (9) One representative of the Atlanta-Fulton County recreation authority.
  - (10) One representative of the urban design commission.
  - (11) One representative of disabled individual, blind or disabled veteran vendors.
  - (b) The members of the board shall serve an initial term of two years, and nine members shall serve an initial term of three years. The mayor shall determine the length of each board member's initial term. After the initial term, all subsequent terms shall be for two years.
  - (c) Members of the board shall not be compensated for their service.
  - (d) The board shall establish a monthly meeting time and place and shall publish in each quarter of every year a schedule of the meetings for that quarter of the year. Further, the board may call special meetings as it deems necessary. All such meetings shall be open to the public, and all votes of the board shall be announced in public session. The board shall adopt rules of procedure for the conduct of its meetings. Administrative and legal services as may be required by the board shall be furnished by appropriate departments and agencies of the city. The bureau of planning shall provide staff support for the board. Any vending review board member who misses two consecutive meetings of the board shall forfeit such member's position on the board. Such member's position will be filled according to the procedure established pursuant to this section.
  - (e) The board shall advise the mayor and city council on all issues relating to the vending industry, including but not limited to the following:
    - (1) The types of products or services which may be vended on city property or public space;
    - (2) The design of the vending structure or station to be used at each vending site or location; and
    - (3) Operating rules and regulations to govern vending activities.
- (Code 1977, §§ 14-5165, 14-5166)
- Charter references: Boards and commissions, § 3-401.
- Cross references: Board, councils, commissions and authorities, § 2-1851 et seq.

#### **Sec. 30-1404. Penalties.**

Any person violating this article shall, upon conviction thereof, be punished as follows:

- (1) First conviction. A fine of not less than \$100.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
  - (2) Second conviction. A fine of not less than \$200.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
  - (3) Third conviction. A fine of not less than \$500.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.
  - (4) Fourth conviction. Any person convicted of four or more violations of this article, within any 12-month period, shall be subject to a fine of not less than \$500.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both, and a court-ordered referral shall be forwarded to the police chief for revocation of the person's permit.
- (Code 1977, § 14-5172)

#### **Sec. 30-1405. Vending districts and locations.**

- (a) The vending districts and locations are as follows:
  - (1) District no. 1, Lindbergh. Locations 1-1 and 1-2. The northwest corner of Piedmont Road and Lindbergh Drive (two locations).

(2) District no. 2, Midtown.

- a. Locations 2-1 and 2-2. The south side of Tenth Street at Columbia (two locations).
- b. Locations 2-3 and 2-4. The east side of Peachtree Street between 11th Street and 12th Street (two locations).
- c. Locations 2-5 and 2-6. The south side of the MARTA station on Peachtree Place (two locations).

(3) District no. 3, North Avenue/Civic Center.

- a. Locations 3-1 and 3-2. The northeast corner of Peachtree Street and the northwest corner of West Peachtree Street (two locations).
- b. Locations 3-3 and 3-4. The south side of Third Street between Peachtree Street and West Peachtree Street (two locations).
- c. Locations 3-5 and 3-6. The northeast corner of West Peachtree Street and North Avenue (two locations), one on West Peachtree Street and one on North Avenue with both locations reserved for disabled individuals, disabled veterans or blind persons).
- d. Locations 3-7 and 3-8. The east side of West Peachtree Street between Ralph McGill Boulevard and Pine Street (two locations).
- e. Location 3-9. The southwest corner of Peachtree Street and Third Street (one location).
- f. Location 3-10. The southeast corner of Ponce de Leon Avenue and West Peachtree Street (one location).
- g. Locations 3-11 and 3-12. The northeast corner of Ponce de Leon and West Peachtree (two locations, one on West Peachtree and one on Ponce de Leon; one location reserved for a disabled individual, disabled veteran or blind person).
- h. Location 3-13. The southwest corner of West Peachtree and Ponce de Leon Avenue (one location).

(4) District no. 4, Ponce de Leon/Boulevard. Locations 4-1 and 4-2. The southeast corner of Ponce de Leon and Boulevard (two locations).

(5) District no. 5, Five Points.

- a. Locations 5-1, 5-2, 5-3, 5-4 and 5-5. The west side of Peachtree Street from Alabama Street to Wall Street (five locations, with two reserved for disabled individuals, disabled veterans or blind persons).
- b. Locations 5-6, 5-7, 5-8 and 5-9. The north side of Alabama Street from Peachtree Street to Forsyth Street (four locations).
- c. Locations 5-10, 5-11 and 5-12. The east side of Forsyth Street from Alabama Street, north 100 yards (three locations, with one reserved for a disabled individual, disabled veteran or blind person).
- d. Locations 5-13 and 5-14. The east side of Peachtree Street between Wall Street and Decatur.
- e. Location 5-15. The northeast corner of Peachtree Street and Auburn Avenue (one location).
- f. Location 5-16. The southwest corner of Park Place and Auburn Avenue (one location).
- g. Locations 5-17, 5-18, 5-19, 5-20 and 5-21. The east side of Peachtree Street from Auburn Avenue to Edgewood Avenue (five locations).
- h. Location 5-22. The west side of Park Place between Auburn Avenue and Edgewood Avenue (one location).
- i. Location 5-23. The northwest corner of Park Place and Edgewood Avenue (one location).
- j. Location 5-24. The northwest corner of Park Place and Auburn Avenue (one location).
- k. Locations 5-25, 5-26 and 5-27. The southwest corner of Forsyth Street and Carnegie Way (three locations, one on Forsyth and two on Carnegie Way; includes one location reserved for a disabled individual, disabled veteran or blind person).
- l. Location 5-28. The southwest corner of Broad Street and Alabama Street (one location).
- m. Location 5-29. The south side of Alabama Street between Peachtree Street and Broad Street (one location reserved for a disabled individual, disabled veteran or blind person).

- n. Location 5-30. The northwest corner of Martin Luther King, Jr. Drive and Broad Street (one location).
  - o. Location 5-31. The northeast corner of Broad Street and Martin Luther King, Jr. Drive (one location).
  - p. Locations 5-32, 5-33, 5-34 and 5-35. The south side of Marietta Street in the Five Points MARTA station plaza (four locations, two locations reserved for disabled individuals, disabled veterans or blind persons).
  - (6) District no. 6, Stadium.
    - a. Locations 6-1, 6-2, 6-3, 6-4, 6-5, 6-6, 6-7, 6-8, 6-9 and 6-10. The southwest corner of Capital Avenue between Fulton Street and the northern end of taxi stand area and the northwest corner of Capital Avenue between Ralph David Abernathy Boulevard and the southern end of taxi stand area.
    - b. Locations 6-11, 6-12, 6-13, 6-14, 6-15 and 6-16. The east side of Capital Avenue between Georgia Avenue and Fulton Street (six locations, one location reserved for a disabled individual, disabled veteran or blind person).
  - (7) District no. 7, West End. Locations 7-1, 7-2, 7-3, 7-4 and 7-5. The east side of Lee Street south of Ralph David Abernathy Boulevard (five locations, with two of these reserved for disabled individuals, disabled veterans or blind persons).
  - (8) District no. 8, Government Walk.
    - a. Locations 8-1 the west side of Butler Street, at the Georgia State MARTA Station entrance and, 8-2 the east side of Piedmont Avenue at the Georgia State Marta Station entrance (two locations, one reserved for a disabled individual, disabled veteran or blind person).
    - b. Location 8-3. The southwest side of Washington Street and Mitchell Street (one location).
    - c. Location 8-4. The west side of Washington Street between Mitchell Street and Trinity Avenue (one location reserved for a disabled individual, disabled veteran or blind person).
    - d. Locations 8-5 and 8-6. The east side of Peachtree Street between Martin Luther King, Jr. Drive and Mitchell Street (two locations).
    - e. Locations 8-7 and 8-8. The west side of Spring Street in the Richard B. Russell Building Plaza (two locations).
  - (9) District no. 9, Omni.
    - a. Location 9-1. The west side of Marietta Street between Spring Street and Fairlie Street (one location).
    - b. Location 9-2. The northeast corner of Marietta Street and Cone Street (one location).
  - (10) District no. 10, Auburn Avenue.
    - a. Locations 10-1 and 10-2. The northeast corner of Auburn Avenue and Piedmont Avenue (two locations).
    - b. Locations 10-3 and 10-4. The northwest corner of Gilmer Street and Butler Street (two locations).
  - (11) District no. 11, Ashby Street. Locations 11-1, 11-2, 11-3 and 11-4. The east side of Ashby Street from Harwell Street to Lena Street (four locations, with one location reserved for a disabled individual, disabled veteran or blind person).
  - (12) District no. 12, Vine City. Locations 12-1, 12-2, 12-3 and 12-4. The northwest corner of Northside Drive and Carter Street (four locations).
  - (b) (1) Any vending location, whether currently occupied or unoccupied by a licensed vendor, that is temporarily removed from the list in subsection (a) for any reason shall not be assigned to another vendor during the temporary removal period.
  - (2) If one or more new vending spaces are created within 150 feet of any temporarily removed space, the vendor assigned to the space so removed shall have the option to relocate to the new space closest to the temporarily removed space.
- (Code 1977, § 14-5167; Ord. No. 1996-27, § 1, 5-29-96; Ord. No. 2001-28, § 1, 4-10-01; Ord. No. 2003-59, §§ 1, 2, 4-28-03)



Editor's note: Ordinance No. 1996-51, approved July 12, 1996, and not included herein, is interim in nature, specifically from July 19, 1996 to August 4, 1996. Provisions of Ord. No. 1996-51 provided for temporary relocation of vending sites in district Nos. 5 and 6.

**Sec. 30-1406. Records of vendors; inspection of records.**

(a) Every vendor shall keep records utilizing generally accepted accounting practices of sales and receipts for purchases and expenses and shall make such records available for inspection by the department of police and the department of finance. A written notice of inspection shall be provided to the vendor during normal business hours. The vendor shall produce such records within 30 days.

(b) Vendors, by filing an application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the license, including but not limited to the following:

(1) The vendor's bank or other financial institution records, including those which are personal or from any business in which the vendor has any interest, such as savings and checking account records, bank statements, ledgers, deposit tickets, withdrawal slips, canceled checks, check stubs, bank drafts, cashier's checks, certificates of deposit, money market accounts, pass books and applications for each account;

(2) Personal state and federal income tax statements for the past five years; and

(3) Records of sales and receipts for purchases and expenses from any business in which a vendor has any interest.

(c) Each vendor participating in the pilot equipment program shall provide "pilot test data" to the commissioner of planning, development and neighborhood conservation. Pilot test data shall include, but not be limited to, vendors information and data relevant to pilot testing various designs of vending equipment such as 1998 Baseline Historical Sales and Inventory figures which can be used for comparison during the pilot program period. A total listing of required pilot test data information may be obtained from the commissioner's office.

(Code 1977, § 14-5160; Ord. No. 1999-47, § 4, 5-26-99)

**Sec. 30-1407. Duties of vendors.**

Every person authorized to vend under this article shall:

(1) Comply with all laws and regulations applicable to the operation of a vending business;

(2) Refrain from engaging in any vending business after the expiration of the vendor permit and during any period when it has been suspended or revoked; and

(3) Surrender the vendor permit promptly to the department of police license and permit section upon its expiration or upon revocation or suspension.

(Code 1977, § 14-5163)

**Sec. 30-1408. Vending restrictions and prohibitions.**

(a) Under no circumstances shall vendors be permitted to operate in the following areas of public space:

(1) Within 15 feet of any street intersection or pedestrian crosswalk;

(2) Within ten feet of any driveway;

(3) Within 15 feet of another vending location assigned to another vendor on a public sidewalk;

(4) Within a minimum of nine feet of unobstructed pedestrian space;

(5) Any area within 15 feet of a building exit or, for a hotel or motel, within 50 feet of building entrances or exits;

(6) On the median strip of a divided roadway, unless the strip is intended for use as a pedestrian mall or plaza;

(7) Against display windows of fixed location businesses;

- (8) Any area within 600 feet from hospitals, colleges, universities, residential areas, elementary, middle and high schools, the MARTA Five Points Area, i.e., vending locations 5-1 through 5-12 will be exempt from the distance requirements; and
- (9) Within 15 feet of a fire hydrant.
- (b) The following prohibitions on vendor's operations shall apply at all times.
- (1) Vending operations shall not unduly obstruct pedestrian or traffic flow, except for up to 15 minutes to load and unload vending stations and vending merchandise.
- (2) Vending businesses shall not obstruct traffic signals or regulatory signs.
- (c) No vendors are authorized to sell any products within 500 feet of any Atlanta housing authority property unless authorized by the housing authority.
- (Code 1977, § 14-5164)

**Sec. 30-1409. Requirements for vendor stations.**

- (a) Uniform design standards for public vending stations throughout the city shall be researched and developed by the department of planning, development and neighborhood conservation. Once the uniform design standards are developed, uniform stations shall be pilot tested in each city vending district in several phases. The city desires to implement phase I of the comprehensive vending plan by establishing a program utilizing vending carts located at the Five Points MARTA Station. Implementation of phase I shall begin two weeks after the date of approval by the mayor and the official adoption of this section. The following vending locations shall be included in phase 1.
- (1) Locations 5-1, 5-2, 5-3, 5-4, and 5-5. The westside of Peachtree Street from Alabama Street to Wall Street (five locations, with two reserved for disabled individuals, disabled veterans or blind persons).
- (2) Locations 5-6, 5-7, 5-8 and 5-9. The north side of Alabama Street from Peachtree Street to Forsyth Street (four locations).
- (3) Locations 5-10, 5-11 and 5-12. The east side of Forsyth Street from Alabama Street, north 100 yards (three locations, with one reserved for a disabled individual, disabled veteran or blind person).
- (4) Location 5-28. The southwest corner of Broad Street and Alabama Street (one location).
- (5) Location 5-29. The south side of Alabama Street between Peachtree Street and Broad Street (one location reserved for a disabled individual, disabled veteran or blind person).
- (6) Locations 5-32, 5-33, 5-34 and 5-35. The south side of Marietta Street in the Five Points MARTA Station Plaza (four locations, two locations reserved for disabled individuals, disabled veterans or blind persons).

The Uniform Design Standards shall state how specialized vending equipment requirements for chilling beverages, displaying merchandise such as garments, and performing services (such as seating for painting portraits or performing readings) shall be accommodated in the site plan and equipment design for food permits, merchandise permits, and service permits, without penalties to the vendors. For food and service permits, the design standards shall state how the designated vending station dimensions will be expanded/adjusted to service customer seating and space to move and store auxiliary accessory chilling cases/containers.

The Uniform Design Standards shall state how the city will provide weatherization protective coverings or protective weatherization finishes to carts.

The Uniform Design Standards shall state the process whereby the city will coordinate the replacement or repair of vinyl or other ornamental coverings, drapes for carts at minimal cost to the vendors.

The Uniform Design Standards shall state how the combined storage and display capacity of the equipment and station site are to be coordinated to meet the needs of vendors with food, merchandise, and service permits and their customers.

The city will provide the option of assistance in transporting carts to and from storage.

Class C food vendors shall not be subject to the above provisions.

(b) Throughout 1999, the commissioner of planning, development and neighborhood conservation shall evaluate the vending districts which utilize vending carts on a quarterly basis to determine whether the program is successful and meets the needs of the vendors and the city. The commissioner's evaluation of the program shall be based on criteria and recommendations set forth in the comprehensive vending plan and shall include but not be limited by the following matters.

(1) Functionality. The functionality of the program hardware (i.e., vending cart) regarding the storing of merchandise within the cart; transportation of carts to and from the storage areas; security surrounding merchandise sold on the vending cart; the temperament and ability of the carts to withstand changing weather patterns; the physical comfort level of vendors and their assistants while vending (i.e., adequate shelter, seating arrangement, etc.).

(2) Enforcement. The interaction between the vendors participating in the cart program and the City of Atlanta Police Department and any other future vending code enforcement agencies.

(3) Economic development. Access by vendors to Atlanta Development Authority, UDAG, and empowerment zone loan monies. History and record of loan/grant award and disbursement within 30 days of the commencement of the pilot project period by publicly and privately financed agencies such as the Atlanta Development Authority and One Stop Capital Shop. History and record of grant award and disbursement by the empowerment zone corporation within 30 days of the commencement of the pilot project. Proof that financial assistance is provided in the amount and per repayment terms that will adequately meet the vendors' needs according to their business plans. A report as to how well the vendor achieved the goals of his or her business plan.

(4) Training. Assistance from the city to the vendors regarding business plans, loan applications, retail market mix, and display. A record of hours of technical assistance in each of the following areas: business plans, loan applications, retail market mix and display, and merchandising techniques being provided to each vendor by the city.

(5) Sales/business impact. The effect of the new equipment design on sales for each vendor during the first year of the program, specifically demonstrating either increase or decrease in sales with the new vending carts in the pilot program, compared with prior year sales as reported to the state department of revenue and/or the city business license division.

The commissioner may at any time request that city council pass legislation to extend the program to or within other vending districts. Prior to the extension of the program to any other district, the commissioner shall first seek review and comment by the city's vending review board.

(c) Any vendor, other than class C food vendors who vends in a location which is designated by ordinance to be included in the vending cart program, including those set forth in 30-1409(c) above, shall be required to sign a lease agreement with the city or its designee for the use of the carts. Such agreement shall list in detail the rights and responsibilities of vendors and the city or its agents with respect to such carts. Prior to the implementation of the lease agreement the city's vending review board shall have the opportunity to review and provide to the commissioner of planning, development and neighborhood conservation, comments on any and all terms set forth in said agreement.

Terms to be reviewed and commented upon by the vending review board shall include but not be limited to: rates for ground rent, equipment rent, storage rent, repair and maintenance warranties and liability insurance.

Said vendors shall not be required to pay any additional fees for the use of such carts during 1999.

Disabled individuals, disabled veterans, and blind persons shall continue to be exempt from payment of business license fees (as defined by O.C.G.A. 43-12-1), continue to have permit

fees waived, and thus be required to only pay a \$50.00 nonrefundable application fee to operate a vending business on public property.

(d) Any vendor, other than class C food vendors, who vends in a vending location located within any district which is designated by ordinance to be included in the vending cart program, including those set forth in subsection (a) above, who does not vend from a vending cart obtained from the city shall be in violation of this section and shall be subject to the payment of fines, and/or the suspension or revocation of their vending permit.

(e) Any vendor, other than class C food vendors, who vends in a vending location which is not designated in this section as part of a program utilizing vending carts shall continue to vend from public vending stations made of sturdy construction and which fit within an area three feet in width by seven feet in length and eight feet in height. The stations shall be draped on all four sides. A single pole umbrella of not more than four feet in diameter and eight feet in height may be used if included in the dimensions.

(f) Class C food vending stations shall be of sturdy construction and must fit within an area four feet in width, not including protective overhang, by eight feet in length, not including trailer hitch, and eight feet in height. The class C food vending stations shall be fully enclosed and must meet all Fulton County health department regulations.

(g) No vending station or any other item related to the operation of a vending business shall be leaned against or hung from any building or any other structure, including but not limited to lampposts, parking meters, mailboxes, traffic signal stations, fire hydrants, trees, tree boxes, benches, bus shelters or traffic barriers.

(h) All items related to the operation of a vending business shall be kept either on, in or under a vending station. No such items shall be stored or placed upon any public space adjacent to the vending stand, pushcart or station.

(i) The city shall designate storage areas for vending carts being used in vending districts where programs utilizing vending carts have been established. The city shall also designate the hours that each storage area shall be open for operation. Such storage areas shall be used by all vendors who vend at locations where vending cart programs are conducted to store their respective vending carts when not in use. Vendors shall be responsible for transporting carts to and from such storage areas. Prior to the designation of any storage area or hours of operation for a storage area, the city's vending review board shall have the opportunity to review and provide comments to the commissioner of planning, development and neighborhood conservation on any and all terms regarding said designation.

Terms to be reviewed and commented upon by the vending review board shall include but not be limited to: terms and any costs associated with: program management and terms for program locations, hours and terms for access, procedures and arrangements for accommodating the needs of disabled vendors and those unable to lift 50 lbs. or more, reasonable transport distance limitations. The vending review board shall establish a process for periodic evaluation of and vendor appeals to amend the storage program.

(Code 1977, § 14-5168; Ord. No. 1999-47, §§ 3, 5--9, 5-26-99)

#### **Sec. 30-1410. Hours of operation of vendor stations.**

No vending station or any item related to the operation of a vending business shall be located in public space between the hours of 2:00 a.m. and 5:00 a.m.

(Code 1977, § 14-5169)

#### **Sec. 30-1411. Persons selling from motor vehicles.**

(a) Vendors selling ice cream or other food items out of motor vehicles shall be subject to this section.

(b) Every vendor selling ice cream or other food items out of a motor vehicle shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle

that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.

(c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily or between the hours of 9:30 a.m. and 12:00 noon on Sundays. Furthermore, such equipment shall not be operated within one block of a church between the hours of 7:00 a.m. and 9:00 p.m. on Sundays. No motor vehicle shall be operated within 600 feet of any public school in the city between the hours of 7:30 a.m. and 3:30 p.m. on days in which schools are actually in session.

(d) No vehicle shall stop or stand and do business for more than 30 minutes.

(Code 1977, § 14-5170)

**Sec. 30-1412. Littering.**

(a) Vendors shall keep the sidewalks, roadways and other space adjoining and adjacent to their vending sites or locations clean and free from paper, peelings and refuse of any kind generated from the operation of their businesses.

(b) A person engaged in food vending shall affix to the vending station or motorized vehicle or pushcart a receptacle for litter which shall be maintained and emptied regularly and which shall be marked as being for litter.

(Code 1977, § 14-5171)

Cross references: Solid waste, ch. 130.

Secs. 30-1413--30-1425. Reserved.

## **DIVISION 2. PERMIT AND LICENSE**

### **Sec. 30-1426. Required.**

(a) No person shall vend any article, merchandise, produce, permissible food item or service on a public space in the city without first having obtained a vending permit and satisfied all other requirements, including but not limited to those of the Fulton County health department. Vendors may sell class A produce, such as fresh fruits, vegetables and nuts in the shell, as long as such produce remains in its uncut, natural state pursuant to the Fulton County health department. No permit shall be required for persons selling newspapers at large other than from a fixed location on public space or on public streets. No permit shall be required for persons playing music in public, including but not limited to sidewalks, parks, or other public spaces, so long as payment by the audience or business owner is not required as a precondition for performing.

(b) No person shall vend in the city on public space, except in conformity with the privileges granted for the particular class of permit issued to such person and only in the location stated on the permit. This permit is in addition to any general business license required or other special permission requirements.

(c) No person shall engage in the business or trade of vending without first obtaining a business license from the bureau of treasury, licensing and employee benefits. Disabled individuals, disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1, are exempt from payment of business license fees, but must obtain the licenses.

(d) All permits issued to vendors or registered agents are nontransferable. Surviving immediate family members of vendors shall be given an opportunity to apply for the permit holder's location with first preference if they apply within 60 days of the death of permit holder. Otherwise, assigned vending locations are nontransferable.

(e) There shall be no subleasing of any assigned vending site or location.

(f) No vendor shall be issued more than one permit per household pursuant to this section for any public space or assigned location or site for any one-year term. However, if two vendors who hold current permits become married to each other, each may maintain the respective permit after marriage takes place.

(Code 1977, § 14-5152; Ord. No. 2000-47, § 2, 8-16-00)

### **Sec. 30-1427. Types and classifications of vending permits.**

(a) Six types of vending permits shall be issued by the city as follows:

- (1) Street vending.
- (2) Park vending.
- (3) Motorized vehicle vending.
- (4) Special events vending.
- (5) Public festival vending.
- (6) Itinerant vending.

(b) There shall be four classifications of vending permits as follows:

- (1) *Food permit.* A food permit shall authorize a person to vend permissible food items in an individually assigned vending site or from a motor vehicle, but not from door to door. A food permit shall allow the sale of food only pursuant to the conditions specified in section 30-1-1980 of the rules of Fulton County health department pertaining to outdoor food service. Fulton County health department regulations pertaining to class A nonhazardous, nonregulated foods do not require a health department food service permit. Class B and class C foods require a valid Fulton or DeKalb County health department certificate of inspection where applicable held by the permit holder. A new certificate of inspection must be obtained every six months and

must specify the particular food authorized to be sold. All permits issued pursuant to this division shall be valid for one year and may be renewed twice at the option of the applicant.

(2) *Merchandise permit.* A merchandise permit shall authorize a person to vend the following items at an individually assigned vending site or location:

- a. *Crafts.*
  - 1. Baskets.
  - 2. Pottery.
  - 3. Jewelry.
  - 4. Leather.
  - 5. Quilts.
  - 6. Wood carving.
  - 7. Needle crafts.
  - 8. Fragrances/incense.
- b. *Fresh flowers.*
- c. *Ethnic clothing and apparel.*
- d. *Licensed nonethnic apparel.* In order to vend the following items, a vendor must have a license from the appropriate organization to sell such goods.
  - 1. Caps.
  - 2. T-shirts and sweatshirts.
- e. *Accessories.*
  - 1. Leather (handbags and wallets).
  - 2. Sunglasses.
  - 3. Umbrellas.

All other merchandise not listed will be considered unlawful pursuant to this section.

(3) *Service permit.* A service permit shall authorize a person to sell services, including but not limited to the following:

- a. Face painting;
- b. Shoe shining;
- c. Portrait painting;
- d. Street music; and
- e. Photography.

(4) *Combination permit.*

- a. A combination permit shall authorize a person to vend food and merchandise at individually assigned vending sites or locations.
- b. Any person may apply for and receive a combination permit, if the conditions and inspection requirements for each permit applied for have been satisfied.

(Code 1977, § 14-5153)

### **Sec. 30-1428. Application for permit.**

(a) An application shall be required by all persons seeking issuance of a permit for vending on public property. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the department of police permit section.

(b) A nonrefundable application fee of \$50.00 is required which shall accompany each application for a vendor's permit. However, an individual applying for a combination vending permit need only submit one application.

(c) Permit fees for food, merchandise, service or combination permits are due and payable if and when the application is approved by the city.

(d) The application for a vendor's permit shall, at a minimum, consist of the following detailed data:

- (1) Applicant's name and current address.
- (2) Applicant's previous addresses within the last five years.

- (3) Social security number.
- (4) Type and classification of vendor permit sought.
- (5) Vending location sought, plus two alternatives, if applicable.
- (6) Size of the proposed vending station, if applicable, i.e., length, width and height.
- (7) Names of proposed assistant vendors.
- (8) List of businesses with which applicant is affiliated.
- (9) Federal tax I.D. number, if applicable.
- (10) State department revenue retail I.D. number, if applicable.
- (e) All vendors who have been operating at a public space vendor location for three years prior to the effective date of the ordinance from which this section derives will remain at that site until December 31, 1996. Such vendors must meet all applicable sections of this article. Disabled veterans who have vended continuously since 1990 and who have been assigned a vending location may retain the vending location on an annual basis henceforth provided that they meet all other requirements of this article.

Disabled veterans who have vended continuously since 1990 and have been assigned a vending location shall not have to re-apply for their designated location, but shall submit annually a notarized statement stating that all information provided on the previous vending application is unchanged, along with all applicable fees. In the event that any information previously provided has changed, the disabled veteran will be required to re-apply for their designated location.

(f) The application for an assistant vendor permit shall meet the following:

(1) Each applicant shall submit detailed data as follows:

- a. Applicant's name and current address.
- b. Applicant's previous addresses within the last five years.
- c. Social security number.
- d. Type and classification of assistant vendor permit sought.
- e. Name of vendor for whom assistant desires to work.

(2) Each applicant shall meet the eligibility requirements set out for vending permits in section 30-1434 of this article.

(g) If such vendor's allocation of an assigned vending site or the site itself should be terminated or eliminated by the city or private initiative, the vendor assigned to the site shall be given first preference by the department of police in locating and being assigned a new or substitute site.

(h) In light of the fact that the city is hosting the upcoming 1996 olympic games, it is necessary to temporarily relocate certain vending locations which are set forth in section 30-1405 of the public property vending code and which are identified in exhibit "A" [not included herein]. Exhibit "A" may be altered in the event that the chief of police or her designee determines that such alteration is necessary to maintain public safety and the general welfare in the city.

The vending locations set forth in exhibit "A" shall be temporarily relocated to those locations identified in exhibit "B" attached hereto. Exhibit "B" may be altered in the event that the chief of police or her designee determines that such alteration is necessary to maintain public safety and the general welfare in the city.

The temporary relocations shall be effective from June 15, 1996, up to and including September 1, 1996, unless the chief of police or her designee determines such period should be shortened.

It shall be unlawful for any vendor to refuse the order of the chief of police or her designee to vacate a location determined to be a public safety hazard.

(Code 1977, § 14-5154; Ord. No. 1996-40, §§ 1, 2, 6-26-96; Ord. No. 2002-36, § 1, 5-28-02)

## **Sec. 30-1429. Site selection process.**



- (a) Completed applications for the permits required under this division, together with the nonrefundable application fee, shall be accepted by the department of police license and permit section on the announced dates on a first come, first served basis.
  - (b) No incomplete application will be accepted.
  - (c) Each completed application shall be time stamped, which will include the month, day and year along with the time of day received.
  - (d) The department of police license and permit section will conduct a background check on each applicant within two weeks.
  - (e) Those applicants who do not pass the background pursuant to section 30-1434 will be notified that their application has been rejected and they will not be placed on the waiting list.
  - (f) Successful applicants will be placed on a master list in the order of their time stamping, which will include the month, day and year along with the time of day received, and such list will be used to determine the order of selection for all vendor locations.
  - (g) Successful applicants will be notified as to the date, time and place the department of police license and permit section will make the space assignments. Selections will only be made on the date announced in advance as vendor location assignment day.
  - (h) If applicant or the applicant's representative is unable to appear, the applicant's space will be forfeited and the applicant's name will be placed at the bottom of the waiting list.
- (Code 1977, § 14-5155)

**Sec. 30-1430. Term and renewal of permits.**

- (a) Every vendor who obtains a permit from the city must obtain a business license and provide the department of police license and permit section with the vendor's federal tax I.D. number and state department of revenue retail I.D. number.
  - (b) Each vendor may have only two assistants working in the vendor's station at the same time. All assistant vendors shall first obtain assistant vendor permits from the department of police license and permit section prior to working for a vendor.
  - (c) Each vendor shall be responsible for the on-site activities of the vendor's assistant.
  - (d) Vendors who currently hold permits for public property vending locations which expire on December 31, 1998 shall have the option of renewing their permits through December 31, 1999.
  - (e) Any and all vendors who are issued permits to vend on public property in the City of Atlanta for the year 1999 shall comply with the requirements for vendor stations set forth in section 30-1409 of this article and shall further comply with any adjustments to such requirements in the event that the City Code is amended to reflect a change in the design, physical description, or requirements regarding vending stations. Each and every vendor shall also comply with any and all amendments made to the city's vending code. Any and all vendors who accept a permit to vend on public property in the city thereby acknowledge and agree to the terms set forth herein. Refunds of fees paid for vendored permits shall be made in the event that a vendor chooses not to vend due to legislative amendments on a pro-rata basis.
- (Code 1977, § 14-5156; Ord. No. 1996-85, § 1, 12-10-96; Ord. No. 1997-14, § 1, 3-10-97; Ord. No. 1997-21, § 1, 4-28-97; Ord. No. 1997-70, § 1, 12-8-97; Ord. No. 1999-2, §§ 1--3, 1-12-99)

**Sec. 30-1431. Permit fees.**

- (a) Permit fees are due and payable by cash or money order after approval of the vending application. A vending permit shall not be issued prior to payment of the fees. Permit fees for vending shall be as follows:

TABLE INSET:

Type of Permit	Annual Permit Fee
----------------	-------------------

Merchandise permit	\$150.00
Food permit	150.00
Temporary permit*	150.00
Combination permit	250.00
Services permit	50.00
Assistant vendors	30.00

\* This permit is for the disabled veteran locations that may not be assigned permanently to anyone other than a disabled individual, a disabled veteran or a blind person. If a vendor who is not a disabled veteran applies for and gets assigned one of these locations, it must be with the understanding that the location is temporary, contingent upon a disabled veteran successfully applying for and being assigned the location. The vendor shall receive a pro rata share of the permit fee paid should the location be reassigned to a disabled veteran.

(b) Permit fees will be waived for disabled individuals, blind persons and disabled veterans. They are only required to pay the nonrefundable application fee of \$50.00.

(c) The fee for a replacement vending permit photo identification card that has been lost shall be \$30.00 and may be obtained at the department of police license and permit section.

(d) Fees for renewal permits shall be the same as those fees for new permits.

(Code 1977, § 14-5157)

#### **Sec. 30-1432. Display of permit; alteration of permit.**

(a) All permits to vend shall be properly and conspicuously displayed at all times during the operation of the vending business. Such permit shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A certificate of health inspection shall be deemed to be properly displayed when it is firmly attached to the vending pushcart, motorized or nonmotorized vehicle or vending station or stand and clearly visible to the public and law enforcement officials.

(b) No person shall fraudulently alter, mutilate, forge or unlawfully display any vending permit issued pursuant to this division.

(Code 1977, § 14-5158)

#### **Sec. 30-1433. Notification of change of name or address.**

Whenever either the name or address provided by the permit holder the application for a vending permit or health or building inspection certificate changes, the permit holder shall notify the department of police license and permit section in writing within ten days of such change and provide the department with the name change or address change. Vendors shall ensure that a current and correct name, residence address and mailing address are on file with the department of police license and permit section at all times.

(Code 1977, § 14-5159)

#### **Sec. 30-1434. Grounds for denial, revocation and suspension of vendor permits.**

(a) No permit shall be issued for vending to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to alcohol or drug offenses and related matters; crimes of moral turpitude; gambling offenses and related matters; larceny, fraudulent conveyance, perjury or false swearing; or subrogation. Any conviction for dealing or trafficking in illegal drugs will automatically disqualify a vending applicant.

(b) No permit for a motorized vehicle vendor shall be issued if the applicant has been convicted of five or more moving violations for three years immediately prior to the application. To be eligible for such a permit, the applicant must possess a current state driver's license, proper registration, liability insurance on the vehicle to be used in the vending operation and an emissions sticker, regardless of county registration. A motorized vendor is held to the same standards as any other vendor.

(c) Failure to maintain initial qualifications shall be grounds for revocation or suspension.

(d) Any permit issued pursuant to this division may be suspended or revoked by the department of police license and permit section for any of the following causes:

(1) Fraud, misrepresentation or false statements contained in the application for the vending permit;

(2) Fraud, misrepresentation or false statements made in connection with the selling of any article, merchandise, produce or permissible food item;

(3) Violation of the provisions of Fulton County or DeKalb County health department regulations applicable to holders of food permits;

(4) Conduct of a vending business in an unlawful manner or in such a way as to constitute a menace or detriment to the health, safety or welfare of the public;

(5) Failure on the part of a vendor to maintain initial eligibility qualifications;

(6) Failure on the part of the vendor's assistant to maintain initial eligibility qualifications shall be grounds for the revocation or suspension of the vendor's assistant permit; or

(7) Failure to furnish any and all documentation requested by the police department, the department of finance or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to section 30-1406 within 30 days of such request.

(e) Any person whose permit is revoked may not reapply for a vending permit until after the expiration of one year from the date of revocation.

(f) Four violations of any section of this article within a 12-month period shall constitute grounds for denial, revocation or suspension of a vendor permit.

(Code 1977, § 14-5161)

## **DIVISION 1. GENERALLY**

### **Sec. 30-1400. Statement of intent.**

The Charter provides that the City of Atlanta may regulate or restrict the manufacture, sale, lease, rental, use, or solicitation of personal property by licenses, bonds, permits, or other regulatory methods and may allow or decline to allow the use of public spaces and right of way to offer such items to the public. Pursuant to those powers, it is the intent of the City Council to use this article and any other part of the Code to which this article refers to regulate vending on public property and the advertising of commercial products and services associated with the vending structures to achieve the following public policy objectives:

- (1) Serve and protect the health, safety and welfare of the general public;
- (2) Develop a public vending program to enhance the overall appearance and environment along public streets, pedestrian ways and other public properties in a manner that will enhance the city's international image;
- (3) Increase the variety and quality of goods and services for sale or rent pursuant to contractual agreements between the City and private entities;
- (4) Provide guidelines for the erection of structures on public property under the general authority allowed by Division 7 of Article 2 of Chapter 138 of this Code as it now exists or it may be from time to time amended;
- (5) Authorize the use of public property for vending purposes through permitting the use of specifically identified sites on public property;
- (6) Provide economic development opportunities;
- (7) Allow limited commercial messages to be displayed on vending structures permitted on public property in order to defray the City's costs in managing the vending program, as well as to maximize the revenue and economic development opportunities available as a part of the public vending management program;
- (8) Authorize a vending advisory board to act as a liaison between the City, vendors, vending management companies, the manufacturers of vending equipment and other interested parties for the purpose of offering advisory opinions on the operation of public property vending.

## **Sec. 30-1401. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicable building code requirements* means any law or regulation which pertains to the erection or use of structures in the City of Atlanta including without limitation the "state minimum codes" listed in O.C.G.A. § 8-2-20(9)(B)(i) as it exists now or may be from time to time amended and all local amendments,

*Assistant vendor* means a person who assists a vendor at the vendor's assigned vending site.

*Blind person* means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).

*Class C food vending station* means a fully enclosed, self-contained, non-motor vehicle that is approved by the Fulton County health department for the purpose of vending on city streets or from a public assigned location.

*Disabled individual* means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment or being regarded as having such an impairment as determined by the Americans with Disabilities Act of 1990.

*Disabled veteran* means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans service.

(1) A war veteran must furnish satisfactory proof that the veteran has a physical handicap which is disabling to the extent of ten percent or more; that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable; and that the veteran's service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled, "An Act to Maintain the Credit of the United States," and commonly known as PL 2, 73rd Congress; or that some part of the veteran's service was rendered on or after December 7, 1941 and before December 31, 1946; or that some part of the veteran's service was rendered on or after June 27, 1950 and before January 31, 1955; or that some part of the veteran's service was rendered on or after August 5, 1946, and before May 8, 1975. Proof of such ten-percent disability shall be established upon the written certificate of two physicians as to such disability or by letter or other written evidence from the United States Department of Veterans Affairs stating the

degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served.

(2) A veteran of peacetime service in the United States armed forces must furnish proof that the veteran has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs stating the degree of disability or by written evidence, from the branch of armed forces of the United States in which such veteran served, that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable.

(3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually.

If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.

*Display goods for sale or distribution* means the act of offering goods for sale or the act of free distribution of goods by display or arrangement of the goods on a table, stand, or ground cover or by offering such goods from the hands of individuals.

*Household* means a principal place of abode comprised of a group of persons constituting a distinct domestic or social body living in the same residence. A household can include parents, children, stepchildren, domestics, lodgers and boarders.

*Immediate family* shall include the spouse, domestic partner registered under section 94-133, mother, father, sister, brother, and natural or adopted children.

*Motor vehicle vending* means the use of any motorized vehicle, approved for use by the department of police, and used by a lawfully permitted vendor for the purpose of vending from place to place and on city streets. No such vehicle shall be authorized to vend from any fixed location. The vehicles include rolling stores, catering trucks, ice cream trucks and motorized carts.

*License and Permits Unit* means that unit of the Atlanta Police Department which issues permits for public vending or any other unit or division of the Atlanta Police Department assigned by the Chief of Police to undertake the duties of the License and Permits Unit.

*Managed public vending area* means that public property which is the subject of a public vending management contract.

*Motorized vehicle* means any vehicle, trailer or bicycle propelled by a motor capable of moving a vending station from place to place which is used for vending food, merchandise or services for sale.

*Non-managed public vending area* means that public property which has been made available for use by persons whose designated location existing under a prior ordinance has been terminated or eliminated.

*Permissible food item* means any food product or substance, including beverages, that legally may be dispensed for the public's consumption pursuant to the rules and regulations of the county health department.

*Prior vending location* means a location on public property where vending was permitted prior to the institution of a public vending management program.

*Produce* means any agricultural product raised on a farm or orchard.

*Public festival* means a public function or activity which does not exceed two weeks in duration and which has been issued a festival permit in accordance with chapter 138, article VI of this Code.

*Public space* means all city-owned parks and city-owned property within street rights-of-way, including any roadways and sidewalks.

*Public vending* means vending activity as permitted on publicly owned property under the jurisdiction of the City of Atlanta except where such activity is associated with a special event and/or subject to regulation under a more specific permit.

*Public vending administrator* means that person designated by the Mayor to administer the public vending program and public vending contracts and any designee

*Public vending management program* means the management of prior vending locations and that method of selecting and contracting with a person or entity to conduct and/or manage public vending activities pursuant to the public vending manager's contract with the City.

*Public vending management contract* means that contract, between a person or entity and the City of Atlanta, allowing the right to conduct vending activities on property under the jurisdiction of the City of Atlanta and may include prescribed rules and procedures, in addition to the requirements in this article, which vendors at public vending sites must follow in the operation of those sites.

*Public vending site* means an individual vending site on public property.

*Pushcart/vending cart* means any portable vehicle or device from which property intended to be sold is displayed at an approved public vending site. The term "pushcart" shall be synonymous with the term "vending cart."

*Reasonable distance* shall mean 400 feet as measured from the edge of vending structure along the path of pedestrian travel to the nearest edge of the next vending structure including within such distance all public right of ways.

*Registered agent* means any person who is authorized by a vendor or itinerant vendor and who agrees to accept service of process and legal notices on behalf of a vendor or itinerant vendor.

*Special events* means those which have regional, national or international significance and which attract a magnitude of people to the city up to a two-week period, e.g., the World Series, the Super Bowl, the Olympics, among others.

*Street furniture zone* means a geographical area located on the sidewalk portion of a street right-of-way whose width lies between the street curb extending four feet onto the sidewalk, as measured from the curb, and whose length extends from intersecting street to intersecting street.

*Street music* means a music performance for which the musician or musical group requires payment by the audience or business owner as a precondition for performing. The act of accepting donations from listeners while performing music in public is excluded from regulation under this Code section.

*Street vending* means vending activity permitted within public street rights-of-way.

*Vendor permit* means those document(s) issued by the license and permits unit which contain information necessary to identify the vendor such as name, photograph, vending type and classification, authorized location and period of time for which the permit is valid.

*Vending business* means any commercial enterprise operated for profit in which merchandise, food, services or a combination thereof are rendered for sale to the general public in public space and approved by the city.

*Vending site or vending location* means the assigned area where a vendor permit is valid and includes any fixed or movable structure, table or device used by a vendor.

*Vending Station* means any fixed or movable structure, table or device used by a vendor for the purpose of displaying or storing any merchandise, article or food which is offered for sale.

*Vendor* means any person whose primary business is the selling or bartering or carrying for sale or barter or exposing therefor any goods, wares, merchandise, services, food, confectionery or drink carried by hand, from portable stands or tables, pushcarts or vending carts, by manually propelled vehicles or by motor or animal-driven vehicles.

### **Sec. 30-1402. Permit required to use public property for vending purposes.**



(a) Pursuant to this article, a permit issued by the license and permits unit shall be required to vend on public property owned or otherwise under the jurisdiction of the City of Atlanta.

(i) Specific permit and licensing requirements set forth in Division II of this article are in addition to the general requirements of this section.

(ii) Certain vending activities may be permitted at specific locations and for specific times pursuant to other sections of the code which allow for vending on public property. In the event that no specific regulation covers a vending activity on public property, the rules of this article shall govern.

(b) The right to manage vending on public property may be contracted to private persons or entities. A public vending management contract may provide that the public vending management company be allowed the exclusive right to vend on public property within a specified area of the city or the entire city.

(c) No public vending permit or public vending management contract shall convey any interest in the real property under the jurisdiction of the City of Atlanta which is identified in any permit or contract and such permit or contract shall only convey the right to use the property for the purposes allowed in this article.

(d) All public property identified as suitable for use as a public vending site under a permit issued pursuant to this article shall only be used for that purpose and the premises and the right to occupy or use any structures thereon shall at all times be controlled by the terms of this article and any applicable building code requirements.

(e) Permits allowing the use of public vending sites, including sites which are part of public vending management program, shall not be issued unless and until the site where the activity is to be conducted has been approved by the commissioner of the department of public works. Such approval may be withdrawn for the convenience of the City and the site shall be vacated upon thirty (30) days written notice. In the case of an imminent public health, safety or welfare need, any public vending site shall be closed when the closing is ordered by the police department or the department of public works and may not be reopened until the order is lifted.

### **Sec. 30-1403. Vending Advisory Board.**

(a) The vending advisory board shall be composed of six (6) members nominated by the mayor and confirmed by the city council. The members of the board shall annually select a chair and a vice-chair from the membership of the board. The mayor shall nominate the following:

- (1) One vendor with experience in food vending.
- (2) One vendor with experience in merchandise vending.
- (3) One representative of the Buckhead Community Improvement District

- (4) One representative of Central Atlanta Progress, Inc.
- (5) One representative of the Midtown Community Improvement District
- (6) One representative of individual, blind or disabled veteran vendors.

(b) The members of the board to be appointed under the terms of this section shall serve an initial term which begins as of the date of the adoption of this ordinance and terminates as of the end of the calendar year following the adoption. After the initial term, all subsequent terms for positions 1, 2 and 3 shall be for two years and positions 4, 5 and 6 shall be for three years. Any board member who misses two consecutive meetings of the board may be deemed to have abandoned the position on the board and the mayor is authorized to nominate a new member to fill the position.

(c) Members of the board shall not be compensated for their service and may serve more than one term.

(d) Operation of the Vending Advisory Board

(1) The board shall establish a quarterly meeting time and place and shall publish schedule of the meetings for that year on the City website. The board may but is not required publish agendas of items to be discussed in advance.

(2) The board shall establish its own rules of procedure at its initial meeting and may update the rules annually at the first meeting of each calendar year.

(3) Each meeting shall reserve a portion of time for public comment as may be provided in the board's adopted rules of procedure.

(4) The board may call special meetings as it deems necessary provided however that the board shall cause notice of such meeting to be posted on the City's website.

(5) All meetings shall be open to the public, and all votes of the board shall be announced in public session.

(6) Administrative and legal services as may be required by the board shall be furnished by appropriate departments and agencies of the city.

(7) The department of public works shall provide staff support for the board.

(e) The board shall advise the mayor and city council on public property vending by informing the mayor of the issues discussed and results of the votes taken. The board is not required to vote any particular issue since its role is advisory but a vote on a question made by motion shall be taken at the request of any board member.

**Sec. 30-1404. Penalties.**

(a) Any person violating this article shall, upon conviction thereof, be punished as follows:

(1) *First conviction.* A fine of not less than \$100.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.

(2) *Second conviction.* A fine of not less than \$200.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.

(3) *Third conviction.* A fine of not less than \$500.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both.

(4) *Fourth conviction.* Any person convicted of four or more violations of this article, within any 12-month period, shall be subject to a fine of not less than \$500.00 or more than \$1,000.00 and costs or imprisonment in the city jail for not more than 60 days or both, and a court-ordered referral shall be forwarded to the police chief for revocation of the person's permit.

(b) Revocation, non-renewal or termination of the right to participate in a public vending program set up under a public vending management contract shall not require conviction under this section where violation of the contract between the vendor and the public vending management company provides for such grounds of termination..

(c) Failure to comply with public vending program operating protocols shall be sufficient cause for the public vending administrator to request that the permit be revoked by the license and permits unit or by the public vending management company.

(d) The issuance of citations to individuals for violation of the public vending ordinances shall not prevent the city from pursuing any remedies under a public vending management contract.

### **Sec. 30-1405. Vending locations.**

(a) The Department of Public Works shall create a public vending location map to specify the location of all vending sites existing as of the date of this ordinance.

(b) Public vending sites which are permitted under the terms of a public vending management contract shall be added to the public vending location map. The public vending location map is to be amended administratively to record the changes to the existing public vending sites which occur as the result of the implementation of the public vending management program. Amendments to the map shall be recorded in a manner which shall allow identification of such changes.

(c) Where prior vending locations are included in the area of a public vending management contract that has been authorized by the governing authority, such locations shall not be permitted at the conclusion of the term of the permit for the prior existing location.

(d) Public vending sites approved by the Department of Public Works may be added to the map prior to the issuance of permits to vend at such locations.

**Sec. 30-1406. Records of vendors and public vending management companies; inspection of records.**

(a) Every vendor and public vending management company shall keep records utilizing generally accepted accounting practices for the recording of sales and receipts for purchases and expenses and shall make such records available for inspection by the license and permits unit and/or the department of finance. A written notice of inspection shall be provided to the vendor or vending management company at the address set forth on the permit application. The vendor shall produce such records to the requesting agency within 30 days of the date of mailing of the notice.

(b) Vendors, by filing an application, and public vending management companies pursuant to the terms of their contract, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the license, including but not limited to the following:

(1) The bank or other financial institution records, including those which are personal to a vendor or from any business in which the vendor or public vending management company has any interest reasonably related to the public vending contract, such as savings and checking account records, bank statements, ledgers, deposit tickets, withdrawal slips, canceled checks, check stubs, bank drafts, cashier's checks, certificates of deposit, money market accounts, pass books and applications for each account which is relevant to the vending sites under the jurisdiction of this article;

(2) Personal or corporate state and federal income tax statements for the past five years which are relevant to the vending sites under the jurisdiction of this article; and

(3) Records of sales and receipts for purchases and expenses from any business in which a vendor or vending management company has any interest which is reasonably related to the public vending contract.

**Sec. 30-1407. Duties of vendors.**

Every person authorized to vend under this article shall:

(1) Comply with all laws and regulations applicable to the operation of a vending business;

(2) Refrain from engaging in any vending business after the expiration of the vendor permit and during any period when it has been suspended or revoked;

(3) Surrender the vendor permit promptly to the department of police license and permit section upon its expiration or upon revocation or suspension;

(4) Where the permit is issued for a site subject to the terms of a public vending management contract, follow the operating protocols in the agreement under which the public vending program manager agreed to recommend the applicant for the issuance of the permit. Violations of operating protocols, which are not also violations of this article, shall not be a basis for the issuance of citations, but are grounds for revocation of the permit.

**Sec. 30-1408. Vending restrictions and prohibitions.**

(a) Under no circumstances shall a permit be issued for a vending site which is:

- (1) Within 15 feet of any street intersection or pedestrian crosswalk;
- (2) Within ten feet of any driveway;
- (3) Within 15 feet of another vending location assigned to another vendor on a public sidewalk;
- (4) Within a minimum of nine feet of unobstructed pedestrian space;
- (5) Within 15 feet of a building exit or, for a hotel or motel, within 50 feet of building entrances or exits;
- (6) On the median strip of a divided roadway, unless the strip is intended for use as a pedestrian mall or plaza;
- (7) Located in such a manner as to block the view of display windows of fixed location businesses from the route of pedestrian or vehicular travel closest to the fixed location business;
- (8) Within 600 feet from hospitals, colleges, universities, residential areas, elementary, middle and high schools, the MARTA Five Points Area, i.e., vending locations 5-1 through 5-12 will be exempt from the distance requirements; and
- (9) Within 15 feet of a fire hydrant.

(b) The following prohibitions on vendor's operations shall apply at all times.

- (1) Vending operations shall not unduly obstruct pedestrian or traffic flow, except for up to 15 minutes to load and unload vending stations and vending merchandise.
- (2) Vending businesses shall not obstruct traffic signals or regulatory signs.

(c) No vendors are authorized to sell any products within 500 feet of any Atlanta Housing Authority property unless authorized by the housing authority.

**Sec. 30-1409. Public vending management program.**

- (a) The public vending management program shall be implemented by one or more contracts approved by the governing authority designating one or more private entities to manage vending on public property under the jurisdiction of the City of Atlanta.
- (b) All public vending management contracts approved by the governing authority shall require compliance with this article. No term of any public vending contract shall excuse compliance with any provision of this article and any such term which purports to excuse such compliance shall be void.
- (c) The public vending management company shall have the right to employ personnel or choose the persons with whom it wishes to contract for the operation of public vending sites to be implemented pursuant to the terms of its contract. All operating employees and operators of vending sites shall be required to have a valid vendor permit.
- (d) A public vending management program contract shall set forth the City's policy on the type of advertising which will meet the City's goals of: (i) defraying the City's costs in managing the vending program; (ii) maximizing revenue potential for the City, the vending management company and the vendors; (iii) supporting economic development opportunities pursuant to the City's guidelines for the area; and (iv) maintaining the appearance of the public spaces in a manner which maintains an aesthetically attractive city in which such advertising is compatible with the use patterns of established zoning districts in the immediate area of the vending site.
- (e) A public vending management program contract shall set forth the minimum operating protocols to be enforced in the operation of vending site.
- (f) A public vending management program contract shall set forth the method for the enforcing the maintenance responsibilities with respect to any structures or equipment which are to be leased to operators or operated by its employees as well as the requirement for cleanliness of the areas in the proximity of the vending site.

**Sec. 30-1410. Hours of operation of vendor stations.**

No vending station or any item related to the operation of a vending business shall be located in public space between the hours of 2:00 a.m. and 5:00 a.m. except, however, that a vendor participating in any public vending management program shall further be subject to the terms and conditions related to hours of operation as set forth in any agreement related thereto.

**Sec. 30-1411. Persons selling from motor vehicles.**

(a) Vendors selling ice cream or other food items out of motor vehicles shall be subject to this section.

(b) Every vendor selling ice cream or other food items out of a motor vehicle shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.

(c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily or between the hours of 9:30 a.m. and 12:00 noon on Sundays. Furthermore, such equipment shall not be operated within one block of a church between the hours of 7:00 a.m. and 9:00 p.m. on Sundays. No motor vehicle shall be operated within 600 feet of any public school in the city between the hours of 7:30 a.m. and 3:30 p.m. on days in which schools are actually in session.

(d) No vehicle shall stop or stand and do business for more than 30 minutes.

**Sec. 30-1412. Littering.**

(a) Vendors shall keep the sidewalks, roadways and other space adjoining and adjacent to their vending sites or locations clean and free from paper, peelings and refuse of any kind generated from the operation of their businesses.

(b) A person engaged in food vending shall affix to the vending station or motorized vehicle or pushcart a receptacle for litter which shall be maintained and emptied regularly and which shall be marked as being for litter.

(c) A vendor participating in any public vending management program shall further be subject to the terms and conditions related to trash removal as set forth in any agreement related thereto.

**Sec. 30-1413. Unlawful to display goods without a permit.**

A valid vendor license assigned to that specific location of public property shall be required for a person to display goods for sale or to offer free goods for distribution in connection with advertising promotions regardless of whether such goods are advertised by commercial signage, commercial flyers or commercial handbills or by voice or by music (recorded or live) and without regard to whether such goods are not advertised in any way. This requirement shall also applied to all goods carried by hand

Secs. 30-1414--30-1425. Reserved.

## **DIVISION 2. PERMITS AND LICENSES**

### **Sec. 30-1426. Vending Permits and Business Licenses Required.**

(a) No person shall vend any article, merchandise, produce, permissible food item or service where public vending is allowed in the city without first having obtained a vending permit and satisfied all other requirements of this article, including without limitation, those of any county health department or applicable state laws.

(b) No person shall vend in the city on public property except in conformity with the permit and this article. The vending permit is in addition to any general business license or other requirements imposed by this article or other sections of the City Code.

(c) No person permitted to engage in any vending related activity may undertake such activity without first obtaining a business license from the office of revenue or its successor agency. Pursuant to O.C.G.A. § 43-12-1 *et seq*, as existing and as from time to time amended and upon the meeting the criteria as defined therein, disabled veterans and blind persons are exempt from the payment of occupation taxes, administrative fees, or regulatory fees which would ordinarily be imposed. All persons entitled to an exemption from the payment of fees and taxes shall meet all other requirements necessary to obtain the permits and licenses required by this article.

(d) All vendor permits are nontransferable.

(e) No vendor permit shall authorize vending at more than one location.

(f) There shall be no subleasing of any assigned vending site or location.

### **Sec. 30-1427. Certain vending activities exempted.**

(a) Vending on public property pursuant to a permit issued under the Outdoor Events Chapter (City Code Sec. 142-1 *et seq* as amended) shall not require a separate vending permit under this article.

(b) No permit shall be required for persons selling newspapers at large other than from a fixed location on public space or on public streets.

(c) No permit shall be required for persons playing music in public, including but not limited to sidewalks, parks, or other public spaces, so long as payment by the audience or business owner is not required as a precondition for performing.



### **Sec. 30-1428. Application for permit.**

(a) An application shall be required by all persons seeking issuance of a vending permit to allow that person to vend on public property. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the license and permits unit. Any application to vend in an area under a public vending management contract shall also include the approval of the public vending management company and copies of all materials required to be submitted by the public vending management contract.

(b) A nonrefundable application fee of \$50.00 is required which shall accompany each application for a vendor's permit.

(c) The permit fee is due and payable when the permit is issued.

(d) The application for a vendor's permit shall, at a minimum, require that the following information be provided:

- (1) Applicant's name and current address.
- (2) Applicant's previous addresses within the last five years.
- (3) Social security number.
- (4) Applicant's previous city vending license number.
- (5) The vending site or location for which the permit will be effective
- (6) Required vending site information.
- (7) Federal tax I.D. number, if applicable.
- (8) State department revenue retail I.D. number, if applicable
- (9) Whether the application is for a person who has a subcontract with a public vending management company and holds the vending site permit for the location or is an employee at that vending location.

(e) Each person working at any vending location must obtain their own individual vending permits.

(f) All vending applications shall contain the vending site information or make specific reference to a vending site permit. No vendor permit shall be issued without the specific identification of the site where the vendor will operate and each site so identified must meet the site requirements of this article.

(g) No permit will be issued to any vending employee unless the person who has a subcontract with a public vending management company for the vending site also has a vending permit.

### **Sec. 30-1429. Vending site requirements.**

(a) A public vending management company may provide to the license and permits unit, an application for vending site approval which shall not require that such site

application identify those vendors who will operate thereon but no vending site permit will be issued until the subcontractor who will operate on the site has a vendor permit.

(b) The license and permit unit shall consult with the department of public works as to the suitability of any vending site application or any vendor permit application which contains site information and render a decision within thirty (30) days. In the event that the location is approved, the site shall be added to the public vending location map.

(d) All vending site applications shall contain the following information as to a vending site or location:

- (i) The type of food or merchandise to be sold or the service to be provided;
- (ii) The location of the area or vending station as identified by a map which makes reference to the nearest intersections of any public right of way and specifies the distance from the edge of the curb at the nearest lane of travel for each public right of way;
- (iii) A drawing or photograph of any vending station, its size and height and details as to the where the proposed vending station is to be located on the vending site including a statement as to how the proposed vending station will be configured on the vending site and where the persons who operate the vending station will be located during the normal course of business;
- (iv) Where the vending station is attached to the ground or requires any type of utility connections, a site survey prepared by a surveyor licensed in the State of Georgia showing the actual dimensions of the structure relative to the public right of way and any other building or structure within 400 feet of the vending station, and shall include the location of connection for utilities;
- (v) Where the vending station is attached to the ground or requires any type of utility connections, an encroachment agreement approved by the department of public works shall be required and shall reference the consent of the department to the location of the vending station and the location of the utility connections;

(e) A permit to vend at the location requested in the application shall not relieve the applicant from the obligation to obtain a building permit and a certificate of occupancy, if it is required for the vending station.

### **Sec. 30-1430. Term and renewal of permits.**

(a) A vendor permit shall be valid only for the calendar year in which it is issued.

(b) An application for renewal of a vendor permit for the next calendar year shall be received by the license and permits unit no later than December 15.

**Sec. 30-1431. Permit fees.**

(a) Permit fees are due and payable by cash or money order after approval of the vending application. A vending permit shall not be issued prior to payment of the fees. Permit fees for vending shall be as follows:

TABLE INSET:

Type of Permit	Fee
Initial vendor permit application	\$150.00
Renewal of vendor permits	\$100.00
Vending site	\$250.00
Vending employee	\$100.00

(c) The fee for a replacement vending permit photo identification card that has been lost shall be \$30.00 and may be obtained at the department of police license and permit section.

**Sec. 30-1432. Display of permit; alteration of permit.**

(a) All vendor permits shall be properly and conspicuously displayed at all times during the operation. Such permit shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A certificate of health inspection shall be deemed to be properly displayed when it is firmly attached to the vending pushcart, motorized or non-motorized vehicle or vending station and clearly visible to the public and law enforcement officials.

(b) No person shall fraudulently alter, mutilate, forge or unlawfully display any vending permit issued pursuant to this division.

**Sec. 30-1433. Notification of change of name or address.**

Whenever either the name or address provided by the permit holder the application for a vending permit or health or building inspection certificate changes, the permit holder shall notify the license and permit unit in writing within ten days of such change and provide the department with the name change or address change. Vendors shall ensure that a current and correct name, residence address and mailing address are on file with the license and permit section at all times.

**Sec. 30-1434. Grounds for denial, revocation and suspension of vendor permits.**

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(a) No vendor permit shall be issued to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to alcohol or drug offenses and related matters; crimes of moral turpitude; gambling offenses and related matters; larceny, fraudulent conveyance, perjury or false swearing; or subrogation. Any conviction for dealing or trafficking in illegal drugs will automatically disqualify an applicant from approval.

(b) No permit for a motorized vehicle vendor shall be issued if the applicant has been convicted of five or more moving violations for three years immediately prior to the application. To be eligible for such a permit, the applicant must possess a current state driver's license, proper registration, liability insurance on the vehicle to be used in the vending operation and an emissions sticker, regardless of county registration. A motorized vendor is held to the same standards as any other vendor.

(c) Failure to maintain initial qualifications shall be grounds for revocation or suspension.

(d) Any permit issued pursuant to this article may be suspended or revoked by the license and permits unit for any of the following causes:

- (1) Fraud, misrepresentation or false statements contained in the application for the vending permit;
- (2) Fraud, misrepresentation or false statements made in connection with the selling of any article, merchandise, produce or permissible food item;
- (3) Violation of the provisions of Fulton County or DeKalb County health department regulations applicable to holders of food permits;
- (4) Conduct of a vending business in an unlawful manner or in such a way as to constitute a menace or detriment to the health, safety or welfare of the public;
- (5) Failure to furnish any and all documentation requested by the police department, the department of finance or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to section 30-1406 within 30 days of such request;
- (6) Notice of termination from the vending management company of a subcontract for a vending location.
- (7) Four violations of any section of this article within a 12-month period shall constitute grounds for denial, revocation or suspension of a vendor permit.

### **Sec. 30-1435. Appeal of suspension, revocation or denial of permits.**

(a) A suspension or revocation of a permit issued under this article may be appealed to the Superior Court of Fulton County by writ of certiorari within 30 days of the permit holder's receipt of notice as described in section 30-1435(b).

(b) Notice of the suspension or revocation shall be given in writing, setting forth the grounds for such action. Such notice shall be mailed to the vending permit holder at least five calendar days prior to the date set for the hearing. The notice shall be mailed to the address shown on the application by registered or certified mail.

(c) Where an applicant is seeking to receive a vendor permit associated with the subcontracting of a vending location from a public vending management company, the denial of the issuance of the permit by the license and permits unit for reasons other than the lack of endorsement of the application by the vending management company, the decision may be appealed to the Superior Court of Fulton County by writ of certiorari within 30 days of the applicant's receipt of notice as described in section 30-1435(b).holder's receipt of notice as described in section 30-1435(b).

(d) The revocation of a permit for a vending employee pursuant to notice from the vending management company or the holder of the vending site subcontract for reason that the employee has been terminated shall not be appealable.

**Secs. 30-1436--30-1460. Reserved.**

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** Public Safety Committee

**Caption:** AN ORDINANCE TO AMEND ARTICLE XXIII OF CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA WHICH CONTAINS THE CODE SECTION APPLICABLE TO VENDING ON PUBLIC PROPERTY BY REPLACING SAID ARTICLE WITH NEW TEXT FOR THE PURPOSE OF AUTHORIZING AND IMPLEMENTING A PUBLIC VENDING MANAGEMENT PROGRAM; AND FOR OTHER PURPOSES.

**Council Meeting Date:** May 19, 2008

**Requesting Dept.:** Mayor's Office

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislative request is to modify the City Code of Ordinances to improve and modernize the City's street vending program.

**2. Please provide background information regarding this legislation.**

In 2003 the City Council created the Vending Technical Advisory Group to provide the City with recommended improvements to the City's vending program. The changes to the Code of Ordinances included in this legislation codifies those recommendations.

**3. If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

**4. Fund Account Center:**

**5. Source of Funds:**

**6. Fiscal Impact:** None

**7. Method of Cost Recovery:** N/a

**This Legislative Request Form Was Prepared By:** David Edwards

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Derrick Williams

Contact Number: 404-330-6028

Originating Department: Mayor's Office

Committee(s) of Purview: Public Safety Committee

Chief of Staff Deadline: April 30, 2008

Anticipated Committee Meeting Date(s): May 13-14, 2008

Anticipated Full Council Date: May 19, 2008

Legislative Counsel's Signature: [Signature] (for Lenell Wood)

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: \_\_\_\_\_

**CAPTION**

AN ORDINANCE TO AMEND ARTICLE XXIII OF CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA WHICH CONTAINS THE CODE SECTION APPLICABLE TO VENDING ON PUBLIC PROPERTY BY REPLACING SAID ARTICLE WITH NEW TEXT FOR THE PURPOSE OF AUTHORIZING AND IMPLEMENTING A PUBLIC VENDING MANAGEMENT PROGRAM; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: 5-1-08 [Signature] Reviewed by: [Signature]  
(date) (date)

Submitted to Council: \_\_\_\_\_  
(date)